

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA
AT MARTINSBURG

DOUGLAS N. GAER, Individually and on)	No. 3:10-cv-00081-JPB
Behalf of All Others Similarly Situated,)	
)	<u>CLASS ACTION</u>
Plaintiff,)	
)	The Honorable John Preston Bailey
vs.)	
)	AMENDED JOINT SCHEDULING
AMERICAN PUBLIC EDUCATION, INC., et)	STIPULATION
al.,)	
)	
Defendants.)	
)	
)	

Lead Plaintiffs, City of Miami Fire Fighters’ and Police Officers’ Retirement Trust (the “Retirement Trust”) and Douglas Gaer, and American Public Education, Inc., Wally Boston Jr., Frank B. McCluskey, and Harry T. Wilkins (collectively, “Defendants”) hereby enter into this Amended Scheduling Stipulation and [Proposed] Order and state as follows:

1. On November 10, 2010, this Court issued an Order appointing the Retirement Trust and Douglas Gaer as Lead Plaintiffs (“Lead Plaintiffs”).
2. On August 27, 2010, this Court signed a Stipulation For Extension of Time to Answer, Move or Otherwise Respond, whereby all parties agreed that within fifteen (15) days from the Court’s appointment of Lead Plaintiffs, the parties would submit a mutually agreeable proposed scheduling order.
3. On November 8, 2010, the parties filed their Joint Scheduling Stipulation concerning the filing of Lead Plaintiffs’ consolidated complaint and Defendants’ response(s) thereto.

4. On November 17, 2010, the Court entered an Order adopting the deadlines set forth in the Joint Scheduling Stipulation. As a result, Lead Plaintiffs' consolidated complaint is currently due on January 18, 2011.

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for Lead Plaintiffs and Defendants, that:

1. Lead Plaintiffs shall have a one week extension of time within which to file their consolidated complaint, which will be due on January 25, 2011.

2. Defendants shall answer or otherwise respond to the consolidated complaint no later than forty-five (45) days after Lead Plaintiffs' consolidated complaint is filed;

3. If Defendants' response to the consolidated complaint is a motion to dismiss, Lead Plaintiffs shall respond to the motion to dismiss within forty-five (45) days after it is filed; and

4. If Defendants file a motion to dismiss, Defendants shall file their reply in support of that motion within twenty (20) days after Lead Plaintiffs file a response.

IT IS SO STIPULATED.

DATED: January 12, 2011

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/s/ Steven F. White
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DATED: January 12, 2011

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Counsel for Defendants

* * *

ORDER

IT IS SO ORDERED.

DATED: _____

THE HONORABLE JOHN PRESTON BAILEY
UNITED STATES DISTRICT CHIEF JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2011, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 12, 2011.

s/ STEVEN F. WHITE PLLC
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Mailing Information for a Case 3:10-cv-00081-JPB

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Manual Notice List

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